IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.Rev.Pet.No. 772 of 2007()

CC.120/2004 of JUDL. MAGISTRATE OF FIRST CLASS, ERATTUPETTA
CRA.153/2006 of ADDL.SESSIONS COURT (ADHOC I), KOTTAYAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

THOMAS, S/O.AUGUSTHY,
OTTALANKAL, CHENNAD P.O.,
POONJAR VAZHI, KOTTAYAM.

BY ADV. SRI.JOSE JOSEPH (MANNAR)

RESPONDENTS: COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SEBASTIAN THOMAS, S/O.THOMAS,
KONNACKAL, CHENNAD P.O., POONJAR VAZHI,
KOTTAYAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 772 OF 2007

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Dated this the 21st day of February 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till rising of the court and to pay a compensation of Rs.1,50.000/- under Section 357(3) Cr.P.C and in default to undergo simple imprisonment for a further period of two months.

2. The case of the petitioner is that a sum of Rs. 10,000/- was borrowed and a blank cheque was issued. The revision petitioner has not adduced any evidence to rebut the statutory presumptions. I find no ground to interfere at all. In the circumstances, the conviction and sentence is affirmed. The revision petitioner is granted six months time from today to deposit the amount of compensation. The revision petitioner shall appear before Judicial First Class Magistrate, Erattupetta on 22.08.2007 to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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